

Agreement on Benefit Sharing Policy Related to African and International Inventions:

Rutgers, The State University of New Jersey (RU) seeks to license the specific inventions from Africa using a proactive, and robust benefit sharing policy regardless of whether there are any rules and regulations in the source country. RU via the New Use Agriculture and Natural Plant Products Program (NUANPP), conducts most of its research and development in Africa as a vehicle to develop income generating activities by/for rural African farmers, communities, Women's Associations, and those involved in the natural products industry. NUANPP uses a science-driven market-first approach to development where its in-country work is in concert with in-country implementing partners, citizens of the source country and often in concert with university partners in a formal or informal manner. NUANPP provides training and capacity building, assists in the development of Good Agricultural and Collection Practices (GACP) for cultivated or wildcrafted spices, botanicals and medicinals. NUANPP provides growers, collectors and the industry with "Do's and Don'ts" and follows the WHO Guidelines on Good Agricultural and Collection Practices (WHO, 2003). NUANPP generally works in close partnership with ASNAPP (Agri-Business in Sustainable Natural African Plant Products). NUANPP works in concert with in-country partners who often ask for assistance in developing quality control and quality assurance programs which lead to the production of product specification sheets describing the quality of the products that enter into commerce. NUANPP and ASNAPP serve in part as the extension team providing technical assistance in order to help the communities strengthen their product supply, reliability of product delivery and business expertise. Providing producers with the information and science to improve the presentation of their product, to ensure their product is of high quality (cleanliness, moisture, freedom from microbiological contamination, and more, and with a known chemical profile) empowers communities and

rural producers/collectors to create a higher profit margin and add value to their indigenous natural resources. To date, this has worked well and our team has produced over 50 product specifications sheets, which were given to African producers. To date, this work has led to the development of standards for several indigenous botanicals that lacked such descriptions. To date, work in concert with ASNAPP-Ghana has led to the introduction of post-harvest handling systems, including drying systems etc., to improve the value of the harvested product, reduce postharvest losses and introduce grading and sorting procedures. All this is strategically designed to increase the confidence of buyers and others in the private sector for regional and international trade to demonstrate that Africa can be a source of high quality botanicals and NTFPs and a reliable supplier while protecting the environment and conserving areas from where the NTFPs are collected.

As part of this conceptual framework NUANPP may periodically discover unusual or unexpected applications of African natural products while conducting quality control studies. Such discoveries are distinct from validating traditional uses and applications of medicinal plants which would overlap with Traditional Knowledge (TK) related issues. Should these discoveries warrant protecting in order to successfully promote the commercialization of applications for which the products are not presently used in the source country, generate private sector interest and consequently demand for the product, and thus benefit the collectors and/or African producers, NUANPP recommends the following policy be used with all inventions licensed.

As RU does not commercialize products, but rather licenses the rights to commercialize an invention to a private sector company, NUANPP requests that the private sector company must be committed to adhering to a benefit sharing policy based upon the commercialization of a patent, invention or discovery. The

following terms are inserted into any licensing agreement:

[Company Name] believes in sustainable development of African natural products and the need to build capacity, provide support to the communities involved in [Add in specific product/invention] and to support local NGO groups involved in the natural products sector that are committed to proper use of environmental and genetic resources and which advocate and teaches communities as needed, the Good Agricultural and Collection Practices as described in the WHO 2003 Guidelines on this topic. [Company Name] recognizes that Rutgers, The State University of New Jersey provided an exclusive [or nonexclusive] license on this invention to [Company Name] in part because of [Company Name] promise to develop jointly with Rutgers a benefit sharing plan that [Company Name] would implement and annually report back to Rutgers, at the time of royalty and other reporting documentation that is needed to be received by Rutgers.

[Company Name] will provide 5% or 10% of all sales/profits generated as a result of this invention to 3 groups in [Source Country of Natural Product]. This includes an NGO legally registered in [Source Country of Natural Product] committed to the sustainable use of medicinal plant resources; to the [Source Country of Natural Product] communities involved in the collection of and processing of [specific product/invention]; and to [Leading Institution of Higher Education in that Source Country of the Natural Product- e.g. the School of Pharmacy or Agriculture as appropriate] where the funds will be targeted to be used by the faculty in support of natural products research (from the horticulture and production; to the chemistry and processing, quality control). All funds will be provided as donations to such three entities with the caveat that the funds are to support natural plant products conservation management and utilization, community and grower association support, and to research and technology transfer. [Company Name] as is Rutgers is committed

to the support of the natural products sector in [Source Country of Natural Product]. Each year, [Company Name] will provide a list to Rutgers identifying the actual entities receiving funds, the amount of funds, and what the funds were designated to be used and to ensure traceability on benefit sharing.

Both parties agree not to publish the above agreement on Benefit Sharing but to provide a highlight declaring and showing to the public that a benefit sharing policy is in place. [This last statement has been requested by the private sector].
